

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**ARTHUR RAY WILLIAMS  
and DIANE WILLIAMS**

**PLAINTIFFS**

**VS.**

**NO. 4:06-CV-01641 GTE**

**SCHINDLER ELEVATOR CORPORATION**

**DEFENDANT**

**ORDER GRANTING SUMMARY JUDGMENT**

Before the Court is Defendant Schindler Elevator Corporation's Motion for Summary Judgment. By Order dated August 21, 2007, this Court held Defendant Schindler's motion in abeyance to permit Plaintiffs the opportunity to conduct additional discovery and to come forward with facts to demonstrate that a material issue of fact exists for trial on their negligence claim.<sup>1</sup> (See Order, Docket # 22). The Court established a deadline of September 24, 2007, for Plaintiff to file an amended response to Schindler's motion. The Court discussed the facts of the case, applicable law and placed Plaintiffs "on notice that their current response [to Schindler's motion] is insufficient to carry their burden pursuant to Fed. R. Civ. P. 56." (Order, Docket # 22 at p. 3).

The September 24, 2007, deadline has passed. Plaintiffs have filed nothing further in opposition to Defendant Schindler's motion.

On the present record, Plaintiffs have failed to come forward with any evidence to create a jury question as to their allegation that Schindler negligently maintained the elevator in

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<sup>1</sup> Plaintiffs had conceded that they could not prevail on their alternative claim for breach of warranty and stated their intent to proceed solely on a theory of negligence.

question and that such negligence caused the elevator to fall four to five stories, injuring Plaintiff Arthur Williams' neck and back. The record evidence is discussed in some detail in the Court's August 21<sup>st</sup> Order, which is incorporated herein by reference.

**CONCLUSION**

For the reasons herein stated,

IT IS HEREBY ORDERED THAT Defendant Schindler Elevator Corporation's Motion for Summary Judgment (Docket No. 22) be, and it is hereby, GRANTED. Judgment will be entered separately.

IT IS SO ORDERED THIS 5<sup>th</sup> day of October, 2007.

\_s/Garnett Thomas Eisele\_\_\_\_\_  
UNITED STATES DISTRICT COURT